IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13861 of 2017

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Anil Kumar, Son of Suraj Prasad, Resident of Village & P.O.- Dawath, P.S.- Dawath, District- Rohtas at Sasaram (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition & Excise Department, Government of Bihar, Patna.
2. The Joint Commissioner, Excise Department, Government of Bihar, Patna.
3. The Excise Superintendent, Aurangabad, District- Aurangabad (Bihar).
4. The District Certificate Officer, Aurangabad, District- Aurangabad (Bihar).
5. The Branch Manager, Punjab National Bank, Dawath Branch, P.O. & P.S.- Dawath, District- Rohtas at Sasaram (Bihar).

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate.
For the State	:	GA-1
		Mrs. Nutan Kumari Sharma, Ac to GA-1
For the Bank	:	Mr. Kumar Priya Ranjan, SC
		Mr. Niraj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for setting aside the notices dated 04.12.2015 (Annexure-6) and 04.07.2016 [Annexure-6(i)] issued in Certificate Case No. 13/15-16 for recovery of the amount of Rs. 9,09,000/- and Rs. 18,18,000/- respectively.

3. Learned counsel for the petitioner submits that an amount of Rs. 9,09,000/- has already been deducted from his account and by invoking bank guarantee in this regard by the Excise

Department which has already been made over to them.

4. In any view of the matter, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Bihar & Orissa Public Demand Recovery Act within a period of three weeks from today, which, if done, shall be disposed of by the Excise Superintendent, Aurangabad (respondent no. 3) on its own merit within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

5. It is made clear that until disposal of such petition, if filed, the Excise Superintendent, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 13/15-16.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.03.2018
Transmission Date	N.A.